

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed August 25, 2005. Upon entry of the amendments in this response, claims 1 – 8, 10, 11, 13 – 16 and 18 remain pending. In particular, Applicant has amended claims 1 – 7, 10, 11, 13 – 16 and 18, and has canceled claims 9, 12 and 17 without prejudice, waiver, or disclaimer. Applicant has canceled claims 9, 12 and 17 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

## **Indication of Allowable Subject Matter**

The Office Action indicates that claims 5 – 6, 9 – 10, 12 – 14 and 17 – 18 are objected to as being dependent upon a base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As set forth above, Applicant has amended claim 7 to include the features previously recited in claim 9, has amended claim 11 to include the features previously recited in claim 12, has amended claim 15 to include the features previously recited in claim 17. Therefore, Applicant respectfully asserts that claims 7, 12 and 15 are in condition for allowance. Additionally, since claims 8 and 10 are dependent claims that incorporate the features of claim 7, claims 13 and 14 are dependent claims that incorporate the features of claim 11, claims 16 and 18 are dependent claims that incorporate the features of claim 15, Applicant respectfully asserts that these claims also are in condition for allowance.

With respect to the remaining claims, the allowability of those claims is discussed below.

### **Rejections Under 35 U.S.C. §112**

The Office Action indicates that claim 11 recites the limitation “the computer” in line 1 and that there is insufficient antecedent basis for this limitation in the claim. As set forth above, Applicant has amended claim 11 and respectfully asserts that the rejection has been accommodated.

### **Rejections Under 35 U.S.C. §102**

The Office Action indicates that claims 1, 3 – 4, 7, 11 and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Reneris*. The Office Action also indicates that claims 1 – 2, 4 and 11 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Atkinson*. With respect to claims 7, 11 and 15, Applicant has amended those claims as set forth above, and respectfully asserts that those claims are in condition for allowance. With respect to the remaining claims, Applicant respectfully traverses the rejections.

In this regard, *Reneris* generally relates to a computer system that flushes its disk cache responsive to turning of the disk drive motor when in a hibernate state. However, the disk cache of *Reneris* is flushed regardless of whether or not the disk cache is storing data. This is in direct contrast to the limitations recited in Applicant’s amended claim 1.

Specifically, claim 1 now recites:

1. A method for storing data on a computer system, the computer system having volatile memory and non-volatile memory, *the volatile memory comprising a volatile memory device*, said method comprising:
  - identifying a first portion of the volatile memory device that is being used to store data;*
  - identifying a second portion of the volatile memory device that is not being used to store data;* and

in response to an input corresponding to a power-off condition of the computer system, *saving the data corresponding to the first portion of the volatile memory device in the non-volatile memory without saving the data corresponding to the second portion of the volatile memory device in the non-volatile memory.*

(Emphasis Added).

Applicant respectfully asserts that *Reneris* is legally deficient for the purpose of anticipating claim 1. In particular, Applicant respectfully asserts that *Reneris* does not teach or otherwise disclose at least the features/limitations emphasized above in claim 1. Therefore, Applicant respectfully asserts that claim 1 is in condition for allowance.

Since claims 3 and 4 are dependent claims that incorporate all the features/limitations of claim 1, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

With respect to *Atkinson*, that reference appears to refer to saving of data responsive to determining that the data has changed since a last save. However, these teachings appear to differ from the features recited in claim 1, in that claim 1 does not require a change in data from the time the data was saved. On the contrary, claim 1 recites “saving the data corresponding to the first portion of the volatile memory device in the non-volatile memory without saving the data corresponding to the second portion of the volatile memory device in the non-volatile memory,” based on whether or not there is data in those portions. Therefore, Applicant respectfully asserts that the rejection of claim 1 under *Atkinson* is improper and requests that this claim and its dependent claims be placed in condition for allowance.

### **Rejections Under 35 U.S.C. §103**

The Office Action indicates that claims 2, 8 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Reneris* in view of *Kadatch*. The Office Action also indicates that claims 3, 7 – 8 and 15 - 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Atkinson* in view of *Reneris*. With respect to claims 7 and 15, Applicant has amended these claims as set forth above, and respectfully asserts that these claims are in condition for allowance. Since claims 8 and 16 are dependent claims that incorporate the features of claims 7 and 16, respectively, Applicant respectfully asserts that these claims also are in condition for allowance. With respect to the remaining claims, Applicant respectfully traverses the rejections.

In this regard, Applicant respectfully asserts that the cited art, either individually or in combination, is legally deficient for the purpose of rendering claim 1 unpatentable. In particular, Applicant respectfully asserts that none of the references or combinations thereof teaches or reasonably suggests at least the features/limitations emphasized above in claim 1 under the section entitled “Rejections Under 35 U.S.C. §103.” That is, the cited secondary references do not remedy the deficiencies of the primary references discussed above. Therefore, Applicant respectfully asserts that claim 1 is in condition for allowance, as not all of the features recited in claim 1 have been shown to be present in the prior art.

Since claims 2 and 3 are dependent claims that incorporate all the features/limitations of claim 1, Applicant respectfully asserts that these claims also are in condition for allowance. Additionally, these claims recite other features/limitations that can serve as an independent basis for patentability.

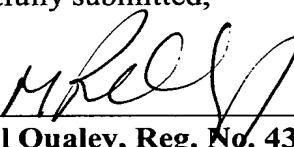
**Cited Art Made of Record**

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 11/7/05.

Stephanie Riley  
Signature